

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION**

CURTIS SMITH,

§

Petitioner,

§

v.

§ CIVIL ACTION NO. 5:22-CV-102-RWS-JBB

WARDEN, FCI-TEXARKANA,

§

Respondent.

§

**ORDER**

Before the Court is Petitioner Curtis Smith's writ of habeas corpus complaining of the validity of prison disciplinary action taken against him. Docket No. 1. The case was referred to United States Magistrate Judge Boone Baxter in accordance with 28 U.S.C. § 636. The Magistrate Judge issued a Report recommending petition for habeas relief be dismissed as none of the punishments challenged by Petitioner implicated any constitutionally protected liberty interests, rendering him ineligible for habeas corpus relief. Docket No. 5 (citing *Brown v. McConnell*, No. 20-30671, 2021 WL 5751450, at \*1 (5th Cir. Dec. 2, 2021)). To date, no objections have been filed.

Because no objections have been received, Petitioner is barred from *de novo* review by the District Judge of the Magistrate Judge's proposed findings, conclusions and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. *See Duarte v. City of Lewisville, Texas*, 858 F.3d 348, 352 (5th Cir. 2017); *Arriaga v. Laxminarayan*, Case No. 4:21-CV-00203-RAS, 2021 WL 3287683, at \*1 (E.D. Tex. July 31, 2021).

The Court has reviewed the pleadings in this case and the Report of the Magistrate Judge. Upon such review, the Court has determined the Report of the Magistrate Judge is correct. *See*

*United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law"). Accordingly, it is

**ORDERED** that the Report of the Magistrate Judge (Docket No. 5) is **ADOPTED** as the opinion of the District Court. It is further

**ORDERED** that the above-captioned petition for writ of habeas corpus is **DISMISSED WITH PREJUDICE**. A certificate of appealability is denied *sua sponte*.

**So ORDERED and SIGNED this 17th day of May, 2024.**

  
ROBERT W. SCHROEDER III  
UNITED STATES DISTRICT JUDGE